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SUBJECT: UPDATE ON JANUARY BORDER INCIDENTS

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DILI 00000070 001.2 OF 002

11. (U) Summary: Two border incidents that occurred in January have caused a spike in tension between East Timor and Indonesia. First, on January 6, three alleged members of 1999-era militias were shot dead by East Timor's Border Patrol Unit (BPU). See Reftel. Then, on January 24, it was reported that an East Timorese woman had been repeatedly raped by members of the TNI after they had arrested her for illegally crossing the border into Indonesian West Timor in mid January. A joint investigation is currently being carried out into the January 6 incident and the two sides have reached agreement on several key issues. No such joint effort has been launched in response to the rape allegations and to date the only follow up on this issue appears to be a promise by Indonesian authorities to investigate the matter. End summary.

Update on January 6 shooting deaths of ex-militia by BPU

12. (U) Immediately after the January 6 shooting deaths of three alleged militia members described in Reftel, markedly different versions of the events were put forward by East Timorese and Indonesian officials. According to East Timor's BPU, the three deceased men had crossed the border illegally, attacked BPU officers attempting to arrest them, and then been killed in the resulting struggle by a BPU officer acting in self-defense and/or to save the lives of his fellow officers. Accounts by BPU and other Government of East Timor (GOET) officials also emphasized the leading role allegedly played by one of the deceased in violent cross-border attacks in 2003 and 2005. A written account provided by the Indonesian Embassy in Dili, on the other hand, questioned whether the deceased were in East Timor when they encountered the BPU officers, characterized them as Indonesian citizens on a fishing trip, and lambasted the BPU as having committed egregious human rights violations. See Reftel for further details of both sides' positions and for Embassy Dili's early assessment of the probable facts.

13. (U) In the days following the incident, East Timorese and Indonesian officials declared their intent to carry out a joint investigation of the incident. A joint investigation team was subsequently formed, led by Prosecutor General Longuinhos Monteiro on the East Timorese side and Gorris Mere, a Major General in the Indonesian Police (POLRI) on the Indonesian side, and began its work in late January. Initially, Monteiro's public statements demonstrated the continuation of sharp disagreement between the two sides. Following the first meeting he remarked that the Indonesian account was 90 percent wrong and

based on hearsay from two witnesses who they claimed had fled the scene.

¶4. (U) However, last week the team held a three-day meeting after which it issued a joint report. Although not final, the report outlined several key areas in which the two sides have reached agreement. These include: that the three deceased had entered East Timor illegally; that they were in East Timorese territory when they were killed; that they were shot and killed by officers of the BPU; and that the case will be processed under the laws of East Timor. The team indicated that they expect to complete their final report in the coming days and that President Xanana Gusmao will present it to President Susilo Bambang Yudhoyono at their upcoming meeting, currently scheduled for this Friday, February 17 in Bali.

¶5. (SBU) Separately, UNPOL officers assigned to work with the BPU held a meeting in mid-January during which they carried out an analysis of why the BPU's encounter with the three deceased resulted in their shooting deaths. The report from this meeting was relayed to the Embassy and includes the following observations of particular note:

-- None of the four officers involved in the incident had received advanced training that includes appropriate use of force techniques. The UNPOLs remarked on the need for both this training and constant follow on practice to maintain skills.

-- All UNPOLs involved in the meeting agreed that the current BPU structure lacks clear leadership and command control. For example, many commanders are the same rank as those under their command, and thus are perceived as lacking necessary authority. In other cases, commanders are perceived to have gained their position through political connections rather than performance.

-- A lack of appropriate equipment was cited as a possible important contributing factor. Although BPU officers have been trained in use of batons, pepper spray and handcuffs, most are currently not issued these items. The four involved in the

DILI 00000070 002.2 OF 002

incident had only their rifles, leaving limited options for response. Moreover, the UNPOLs noted the difficulty of maintaining the security of a firearm the size of a rifle, especially when engaging a suspect.

Update on rape allegations against TNI members

¶6. (SBU) On January 26, the Embassy received reports from UNOTIL sources that an East Timorese woman had been raped by Indonesian military (TNI) soldiers at a TNI post near Oecussi. According to the UNPOL report, TNI officers detained the woman along with a male companion on charges of illegal border crossing and smuggling on January 12. They were then brought to TNI post JP4 where the man was tied up and beaten and the woman was raped during the evening by three TNI soldiers and again in the morning by two different TNI soldiers. On January 14, it is reported that Indonesian police officers (Polri) appeared at the TNI post (the report notes that they came of their own accord, as they had not been called by the TNI) and took custody of the two East Timorese detainees. They brought them to the Polri headquarters in Aplal and then sent them to the headquarters in Kefamenanu so that they could be treated at the Kefamenanu hospital. On January 23, following several days in the hospital, the two East Timorese were then brought to another TNI post (Napan) in order to be deported back to Oecusse. The alleged rape victim was later transported to Dili via UN helicopter, and, according to Embassy sources, remains in the capital.

¶7. (U) In the days after the story appeared in the media, there were several statements by political and religious leaders as well as non-governmental organizations (NGOs) focused on human rights and women's issues, calling for the Government of East Timor (GOET) to lodge a strong protest with Government of

Indonesia (GOI). Vice Minister of Foreign Affairs Adalgiza Magno was quoted as calling on the GOI to "immediately resolve the case and punish the alleged perpetrators." However, to date the Embassy is not aware of any official complaint having been relayed by the GOET. Late last week, Minister of Foreign Affairs Jose Ramos-Horta was reported to have shared with journalists a statement on the issue received from the Indonesian Ambassador to East Timor, Ahmed Bey Sofwan. Ambassador Sofwan's statement reportedly said that the GOI regarded this as a very serious incident and that the Indonesian military police were conducting an investigation.

18. (SBU) Meanwhile, Embassy sources report that NGOs that work on victims' rights issues are unhappy with the lack of progress in the case so far and do not regard the GOI's stated intent to investigate as credible. Several groups, including Fokupers, Pradet and the Judicial System Monitoring Program, have been meeting regularly to plan how to advocate for a thorough investigation. These groups are also exploring ways to link their advocacy efforts with human rights groups based in Kupang, West Timor.

19. (U) Media stories today report that this group of NGOs sent a petition to the National Parliament urging that a joint investigation into the allegations be carried out by the GOET and GOI. The President of Parliament, in response to the petition, then called an emergency meeting of leaders of the party benches in Parliament. He announced that the Parliamentary committee that handles constitutional rights and freedoms will analyze the recommendations contained in the petition and then forward its analysis along with the petition to the competent authorities so that an investigation can be initiated urgently.

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